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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/902,610	07/12/2001	Yvon Buard	BIF114205/US	1296

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EXAMINER

RODRIGUEZ, RUTH C

ART UNIT	PAPER NUMBER
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3677

DATE MAILED: 01/31/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/902,610

Applicant(s)

BUARD, YVON

Examiner

Ruth C. Rodriguez

Art Unit

3677

-- The MAILING DATE of this communication appears on the cover sheet with the corresponding address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 31 October 2002.
- 2a) ☐ This action is FINAL.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 8 and 14-16 is/are allowed.
- 6) ☒ Claim(s) 1-4, 9, 10, 12 and 13 is/are rejected.
- 7) ☒ Claim(s) 5-7 and 11 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 July 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All    b) ☐ Some    \* c) ☐ None of:  
1. ☒ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)                      4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)                      5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_                      6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Priority***

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### ***Information Disclosure Statement***

2. The information disclosure statement filed 12 July 2001 has been considered for this Office Action.

### ***Claim Objections***

3. Claim 5 is objected to because of the following informalities: Line 2, "plane" should be replaced with --planar--. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-4, 9, 10, 12 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over French Patent Document FR 2 731 496 A1 (FR '496).

FR '496 discloses a device (20) for joining two extrusions (10) including a plate (20) for joining the backs of two extrusions. The backs of the extrusions having substantially plane rear faces adapted to bear against the support surface (Fig. 1). The plate having a rear surface adapted to bear flush with the rear faces of the backs and the plates has on each of its edges longitudinal tongues (25,26,35,36) adapted to bear on two opposite faces of each extrusions (Fig. 1). The tongues are substantially plane (Figs. 1 and 2) and are adapted to bear elastically against the opposite faces of each panel (Fig. 1). FR '496 fails to disclose the thickness of the tongues. However, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the tongues with a thickness from about 0.2 mm to about 1 mm because a change in the size of a prior art device is a design consideration within the skill of the art. Specially, since the applicant does not provide any advantage derived from these dimensions. In re Rose, 220 F.2d 459, 105 USPQ 237 (CCPA 1955).

FR '496 also discloses that

- Three longitudinal tongues (25,26,35,36) on each edge of the plate adjacent a cut edge of the extrusions are disposed in an arrangement resembling the shape of a winners' podium (Figs. 1 and 2) where two end tongues (25,35) are positioned on the top face of the plate so as to be placed against the top face of the extrusion (Figs. 1 and 2). A central tongue (26,36)

is positioned on a bottom face of the plate so as to be placed against a bottom face of the extrusion (Figs. 1 and 2).

- The two transverse ends of the plate are at an angle to each other enabling connection of two lengths of extrusions extending in two different directions in the same plane (Figs. 1 and 2)
- The plate has walls (61,71) on its longitudinal edges adapted to be aligned with lateral flanges of the extensions to provide continuous walls (Fig. 1).
- The plate has two parts with an inside or outside corner between them (Figs. 1 and 2). Each edge of each part of the plate adapted to be placed adjacent a cut edge of the extrusion is provided with longitudinal tongues (25,26,35,36)
- The extrusions have lateral flanges and the tongues are adapted to bear elastically on opposite faces of the backs and the lateral flanges of the extrusions (Fig. 1)
- The parts of the plates are articulated together by a junction part forming a hinge (23) (Figs. 1 and 2)
- The plate is molded in one piece from a plastic material (Abstract)

Regarding to having longitudinal tongues with the same thickness and/or having each of the longitudinal tongues with a thickness of approximately 0.5 mm, as mentioned above, a change in the size of a prior art device is a design consideration within the skill of the art. Specially, since the applicant does not provide any advantage derived from this dimension.

*Allowable Subject Matter*

6. Claims 8 and 14-16 allowed.

7. Claim 5-7 and 11 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

8. The following is a statement of reasons for the indication of allowable subject matter:

Regarding claim 5, FR '496 discloses a device for connecting two lengths of extrusions.

However, FR '496 fails to disclose that the plate is plane with at least two transverse ends.

Accordingly, it would not have been obvious to one having ordinary skill in the art at the time the invention was made to have a plane plate with at least two transverse ends.

9. For claim 8, FR '496 fails to disclose that the plate carries in a top face pillar with an orifice. Likewise, it would not have been obvious to one having ordinary skill in the art at the time the invention was made to have an orifice located in a top face pillar of the plate that facilitates fixing the plate to a support.

10. Regarding claim 11, FR '496 discloses a device for connecting two lengths of extrusions.

However, FR '496 fails to disclose that the two parts of the plates are fixed to each other.

Therefore, it would not have been obvious to one having ordinary skill in the art at the time of applicant's invention to have the two parts of the plate being fixed to each other.

11. For claim 14, FR '496 discloses a device for connecting two lengths of extrusions.

However, FR '496 fails to disclose that the plate has at least one flat bottom and top tongues extending beyond one of the edges in a plane parallel to the plate where the tongues are spaced

Art Unit: 3677

apart from each other by a space equal to the thickness of the plate. Likewise, it would not have been obvious to one having ordinary skill in the art at the time the invention was made to have at least one flat bottom tongue and at least one flat top tongue extending beyond one of the edges in a plane parallel to the plate where the bottom tongue and the top tongue are spaced apart from each other by a space equal to the thickness of the plate.

### *Response to Arguments*

12. Applicant's arguments filed 31 October 2002 have been fully considered but they are not persuasive. The Applicant argues that the extrusions or trunkings have a generally U-shaped housing to receive the tongues therefore it can not be considered substantially plane rear faces. The Examiner fails to agree with this argument. The term "substantially" is a broad term and for this claim it can encompass surfaces that are plane or surfaces generally plane that have other protrusions along the surface. In the broadest interpretation of the term "substantially" the back of the extrusion having small U-shaped housing can be considered "substantially plane rear faces". Therefore, the rejection of claims 1-4, 9, 10, 12 and 13 stand rejected under 35 U.S.C. 103(a) as being unpatentable over French Patent Document FR 2 731 496 A1.

### *Conclusion*

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Art Unit: 3677

Sutter (US 3,352,071), Wendt (US 3,989,398), Macuga et al. (US 4,114,326), Chou (US 5,671,580), Quillin (US 5,966,893) and Desrochers (US 6,408,922 B2) are cited to show state of the art with respect to connectors having at least one edge provided with tongues arranged in a winners' podium configuration.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ruth C. Rodriguez whose telephone number is (703) 308-1881. The examiner can normally be reached on M-F 07:15 - 15:45.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. J. Swann can be reached on (703) 306-4115.

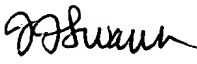
Submissions of your responses by facsimile transmission are encouraged. Technology center 3600's facsimile number for before final communications is (703) 872-9326. Technology center 3600's facsimile number for after final communications is (703) 872-9327.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

Ruth C. Rodriguez  
Patent Examiner  
Art Unit 3677

RCR  
rcr

January 27, 2003

  
J. J. SWANN  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600